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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TESAR et al.

Title: ANTI-CD38 HUMAN ANTIBODIES AND
USES THEREFOR

Appl. No.: 10/588,568

International 2/7/2005

Filing Date:

371(c) Date: 10/14/09

Examiner: Unassigned

Art Unit: Unassigned

Conf. No.: 8662

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(iii) to submit copies of cited pending applications which are stored in the USPTO's Image File Wrapper (IFW) system. Applications filed on or after June 30, 2003, and international applications that have entered the national stage on or after June 30, 2003, have been or are being scanned into the IFW system. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated October 19, 2004, *Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications*.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Applicant draws the Examiner's attention to the commonly owned copending applications:

Serial No. 11/920,830, which is the U.S. National Stage application of PCT/EP2006/004991, filed May 24, 2006; and

Serial No. 12/089,806, which is the U.S. National Stage application of PCT/EP2006/009889, filed October 12, 2006.

All of the documents are in English. The listed documents were cited in an Office Action in commonly owned U.S. Application No. 12/089,806 discussed above, with the exception of C1-C5.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 8, 2010
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